

### **REMARKS**

Claims 1-3, 5 and 6 are pending and under consideration in the above-identified application.

In the Office Action dated June 16, 2009, the Examiner rejected claims 1-3, 5 and 6.

With this Amendment, claims 1 and 5 were amended. Claim 2 was cancelled previously.

No new matter has been introduced as a result of the amendments.

#### **I. 35 U.S.C. § 103 Obviousness Rejection of Claims**

Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagura et al. (JP 2002 373643) in view of either Hisashi et al. (U.S. Publication No. 2005 0153205), Fujimoto et al. (U.S. Publication No. 2004 0058245), Park et al. (U.S. Publication No. 2002 0136955) or Masaki et al. (JP 2001 015101). Applicants respectfully traverse this rejection.

Claim 1 requires an anode that includes an active material having base particles comprising lithium-nickel-manganese oxide with a coating layer made of an inorganic compound and a carbonaceous material. Additionally, Claim 1 requires that the inorganic compound includes a compound oxide of at least one lithium oxide compound that is selected from  $\text{LiFePO}_4$  and  $\text{Li}_3\text{PO}_4$ .

Nagura et al. teaches a positive active material that is covered by three individual components, a lithium ion conductivity polymer (2), an electric conduction agent (3), and an inorganic solid electrolyte (4). Nagura et al., Paragraph [0010]. Nagura et al. does not, however, teach or even fairly suggest an active material that includes base particles of lithium-nickel-manganese oxide as required by the claims.

Even though Yamaura, Takada and Mohwald teach the use of lithium iron phosphate and lithium phosphate as known conductive materials, none of the references teach or even fairly

suggest that lithium iron phosphate and lithium phosphate may be effective components of a coating as required by claim 1. The Examiner suggests that it would have been obvious to combine lithium iron phosphate or lithium phosphate as an alternative material for coating a positive electrode since Nagura et al. teaches a coating made of lithium metal oxides. Office Action, page 5. However, Naugura et al. specifically teaches three different coatings, each made of one type of compound rather than one coating made of a mixture of compounds as required by the claims. Nagura et al., Paragraph [0010]. At best, Naugura et al. teaches a lithium iron phosphate or lithium phosphate as an individual coating, but does not teach or even fairly suggest that they can be combined with other compounds to create a coating required by the claims.

Additionally, Yamaura, Takada and Mohwald do not teach or even fairly suggest a base particle that comprises lithium-nickel-manganese oxide as required by the claims.

As such, the cited references taken either singularly or in combination with each other fail to teach or even fairly suggest all the required elements of the claims. Thus, claim 1 is patentable over the cited references. Accordingly, Applicant respectfully requests that the above rejection be withdrawn. Additionally, Applicant requests that the rejection of dependant claim 3, which is based on part on Nagura, Hisashi, Fujimoto et al., Park et al. and Masaki et al. be withdrawn for at least the same reasons.

Claims 5 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagura et al. in view of either Hisashi et al., Fujimoto et al., Park et al. or Masaki et al. in further view of Yamaura et al. (U.S. Patent No. 4,668,594); Takada et al. (U.S. Patent No. 5,958,281) or Mohwald et al. (U.S. Patent No. 6,475,663). Applicants respectfully traverse this rejection.

Claim 5 requires a nonaqueous electrolyte secondary battery that includes an active material having base particles of lithium-nickel-manganese oxide with a coating layer made of an inorganic compound and a carbonaceous material. Additionally, Claim 5 requires that the inorganic compound includes a compound oxide of at least one lithium oxide compound that is selected from  $\text{LiFePO}_4$  and  $\text{Li}_3\text{PO}_4$ .

As discussed above, Nagura et al. does not teach or even fairly suggest a base particle of lithium-nickel-manganese oxide or combining more than one compound to make a coating. Since Nagura et al. does not teach or even fairly suggest combining an inorganic compound with another compound to create one coating, Nagura et al. is not combinable with the cited references that teach the use of  $\text{LiFePO}_4$  and  $\text{Li}_3\text{PO}_4$  as known conductive materials, but not as a coating for an active material.

Accordingly, taken either singularly or in combination with each other, the cited references fail to teach or even fairly suggest all the requirements of the claims 5 and 6. Thus, claims 5 and 6 are patentable over the cited references. As such, Applicants respectfully request the above rejection be withdrawn.

## **II. Conclusion**

In view of the above amendments and remarks, Applicants submit that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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